

**BARCLAY DAMON** <sup>LLP</sup>

**Matthew J. Larkin**  
Partner

September 20, 2024

**VIA ECF**

Hon. Miroslav Lovric  
Magistrate Judge  
U.S. District Court  
Northern District of New York  
15 Henry Street  
Binghamton, NY 13901

Re: Kearns v. Wallin and Syracuse University  
NDNY Civil No.: 5:23-cv-01500 (DNH-ML)

Dear Magistrate Judge Lovric:

Per the Court's June 20, 2024, Text Order (Dkt. No. 34), please accept Defendant Syracuse University's (the "University") status report on the stay of this matter and an update on the Delaware Court of Chancery and New York Ancillary Receivership matters.

The Order to Show Cause seeking the commencement of a New York Ancillary Receivership proceeding for Arrowood, as well as a 180 day stay of all actions and lawsuits in which Arrowood is obligated to defend an insured, *Matter Harris, Superintendent of Financial Services of the State of New York, for an Order of Appointment as Ancillary Receiver of Arrowood Indemnity Company*, New York County Index No. 450124/2024, is still pending. According to the New York State Unified Court System's E-Courts, the Order to Show Cause, which was signed on March 1, 2024, was originally set to be heard on March 28, 2024, but was adjourned to June 4, 2024 with a comment stating "Oral Argument Via Microsoft Teams – No Personal Appearance." The Order to Show Cause is listed as "Fully Submitted," yet no order has been issued by the court. As we previously reported, the signed Order to Show Cause included a temporary stay of all proceedings in which Arrowood is obligated to defend a party, pending the hearing and determination of the application.

As for the *Delaware ex. rel. Navarro v. Arrowood Indemnity Company* matter, the University has recently filed the required proof of claim form in relation to this proceeding. The deadline for all claimants to file a proof of claim is January 15, 2025. We will be sure to update the Court with regard to any developments in the University's claim process.

The University's position remains the same, that pending a decision in the New York Ancillary Receivership proceeding, this matter is stayed per the Order to Show Cause. Given the mandate contained in N.Y. Insurance Law § 7410(a), which states that the court shall appoint the

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Hon. Miroslav Lovric  
September 20, 2024  
Page 2

superintendent as ancillary receiver in delinquency proceedings for an insurer not domiciled in the State of New York, we expect that the Order to Show Cause will be granted, and an additional 180 day stay imposed.

As always, we will continue to keep the Court apprised of any updates and changes. We remain available to the Court if a conference is required. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew J. Larkin", with a stylized flourish at the end.

Matthew J. Larkin

MJL

cc: Counsel of Record **Via ECF**